

**In the Drawings**

Applicant is submitting six sheets of formal drawings containing Figures 1-6 as replacement sheets for the originally filed Figures 1-6.



## REMARKS

### Objections

#### *Objections to the Drawings under 37 C.F.R. §1.212(d)*

The Examiner objected to Figure 2 as being informal. Applicant is submitting herewith a full set of formal drawings and requests the Examiner withdraw the rejection under 37 C.F.R. § 1.212(d).

### Rejections

#### *Non-statutory Double Patenting*

The Examiner has rejected claims 21-132 as obvious variations of claims 1-15 of U.S. Patent 6,721,759. Applicant will submit a suitable terminal disclaimer upon allowance of the pending claims.

#### *Rejections under 35 U.S.C. § 102(e)*

##### Claims 21, 31, 40, 49, 59, 68, 77, 87, 96, 105, 115 and 124

Claims 21, 31, 40, 49, 59, 68, 77, 87, 96, 105, 115 and 124 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Becker, U. S. Patent No. 6,301,579. Applicant does not admit that Becker is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that Applicant's invention as claimed in claims 21, 31, 40, 49, 59, 68, 77, 87, 96, 105, 115 and 124 is not anticipated by Becker.

Becker discloses representing hierarchical data structure as a three-dimensional graphic. In contrast, Applicant claims representing a multidimensional scaling (MDS) space as a hierarchical data structure. Thus, Becker teaches the opposite function of what Applicant claims. Furthermore, MDS is a term of art for representing data in a spatial arrangement based on similarity or dissimilarity. Please refer to Applicant's Specification, page 1, line 33 through page 2, line 10. Applicant respectfully reminds the Examiner that she must interpret claim terms in light of their commonly accepted meaning in the art. Thus, Becker's 3D graphic cannot be properly interpreted as Applicant's claimed MDS or MDS space.

Accordingly, Applicant respectfully submits that the invention claimed in claims 21, 31, 40, 49, 59, 68, 77, 87, 96, 105, 115 and 124 is not anticipated by Becker under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

**Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 22-30, 32-39, 41-48, 50-58, 60-67, 69-76, 88-95, 07-104, 106-114, 116-123 and 125-132 contain allowable subject matter if rewritten to include all the limitations of the claims from which they each originally depended. Applicant declines to amend the claims as suggested because Applicant believes all the claims are allowable as they stand.

**SUMMARY**

Claims 21-132 are currently pending. In view of the foregoing remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x309.

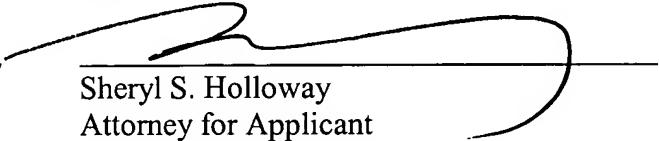
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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& ZAFMAN LLP

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